

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ANNAMALAI ANNAMALAI,

Plaintiff,

Case No. 3:24-cv-268

vs.

MONTGOMERY COUNTY
TREASURER,

District Judge Michael J. Newman
Magistrate Judge Stephanie K. Bowman

Defendant.

ORDER: (1) OVERRULING PLAINTIFF’S OBJECTION (Doc. No. 3); (2) ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION (Doc. No. 2); (3) DENYING PLAINTIFF’S MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* (Doc. No. 1) UNDER 28 U.S.C. § 1915(g); AND (4) TERMINATING THE CASE ON THE DOCKET

Plaintiff Annamalai Annamalai, an inmate currently incarcerated at the Federal Correctional Institution in Oxford, Wisconsin, brings this civil case *pro se* seeking leave to proceed in forma pauperis (“IFP”).¹ In addition to Plaintiff’s motion for leave to proceed IFP, the case is before the Court upon Plaintiff’s *pro se* complaint (Doc. No. 1-1), the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman (Doc. No. 2), Plaintiff’s Objections (Doc. No. 3), and Plaintiff’s notice of voluntary dismissal (Doc. No. 4).

The Court has reviewed *de novo*, as required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), Plaintiff’s objections, and all filings in this matter. Liberally construing Plaintiff’s *pro se* filings in his favor and accepting his factual allegations as true, *see Estelle v. Gamble*, 429 U.S. 97, 106 (1976), the Court finds no merit in his objections and adopts the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); *see, e.g., Mann v. Mohr*,

¹ Plaintiff indicates that he is also known as Swamiji Sri Selvam Siddhar. Doc. No. 1-1 at PageID 6.

802 Fed. App'x 871, 878 (6th Cir. Jan. 23, 2020) (affirming *de novo* review of the plaintiff's objections to the Magistrate Judge's Report and Recommendation).

Accordingly, Plaintiff's objections are **OVERRULED**; the Report and Recommendation is **ADOPTED**; Plaintiff's motion for leave to proceed IFP is **DENIED** under 28 U.S.C. § 1915(g); and Plaintiff's notice of voluntary dismissal is **TERMINATED** as moot. In addition, given Plaintiff's litigation history of filing complaints in multiple jurisdictions relating to the same or substantially similar claims, the Court **PLACES** Plaintiff **ON NOTICE** that if he files any future complaint in this Court based on the same subject matter asserted in the instant case, the Court may find he is a vexatious litigant subject to pre-filing restrictions.

The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith and, consequently, **DENIES** Plaintiff leave to appeal this Order *in forma pauperis*.

IT IS SO ORDERED.

November 25, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge